

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

CHARLIE TARVER,

Plaintiff,

v.

ED STROTHER, et. al.,

Defendants.

CV 04-J-1065-S

ENTERED

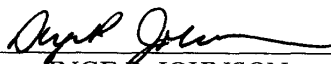
SEP 29 2004

MEMORANDUM OF OPINION

The magistrate judge filed a report and recommendation on August 11, 2004, recommending that this action filed pursuant to 42 U.S.C. § 1983 be dismissed as frivolous and for failing to state a claim upon which relief can be granted under 28 U.S.C. § 1915A(b). The plaintiff filed objections to the report and recommendation on August 26, 2004.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the report and recommendation and the objections thereto, the Court is of the opinion that the magistrate judge's report is due to be and is hereby ADOPTED and the recommendation is ACCEPTED. Accordingly, the complaint is due to be dismissed as frivolous and for failing to state a claim upon which relief can be granted pursuant to 28 U.S.C. § 1915A(b). An appropriate order will be entered.

DATED this 29 day of September, 2004.



INGE P. JOHNSON
UNITED STATES DISTRICT JUDGE